

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION

Norfolk Southern Railway Company,
Petitioner,

v.

Illinois Department of Transportation, and Edwards County Road
District No. 6,
Respondents.

T00-0015

Petition to permit closing of a certain existing railroad crossing in
Edwards County, Illinois, To Wit: TR 185 (MP 130.52; DOT
#724696V); to construct an access road; and to install automatic
flashing light signals and gates with constant warning circuitry at
a certain existing railroad crossing in Edwards County, Illinois, To
Wit: TR 18 (MP 129.94; DOT #724699R).

SECOND SUPPLEMENTAL ORDER

By the Commission:

On September 20, 2000, the Illinois Commerce Commission ("Commission") entered its Order in this matter that required, among other things, the Norfolk Southern Railway Company ("NS" or "Petitioner") to close, abolish, and barricade the Township Road ("TR") 185 crossing and install automatic flashing light signals and gates controlled by constant warning time circuitry at the TR 18 and TR 36 crossings. The TR 185 crossing was to be closed upon the placing in service of the warning devices at the TR 36 crossing. The Order also required Edwards County, on behalf of Edwards County Road District No. 6 ("County"), to construct a connecting road between the TR 36 and TR 185 crossings. The associated costs were divided between the parties and the Grade Crossing Protection Fund ("Fund"). All work was to be completed within one (1) year from the date of the Order.

On December 5, 2001, the Commission entered its Supplemental Order granting extensions of time to and including December 20, 2001, and June 30, 2002, to the NS and Edwards County, respectively, within which to complete the work as required by the original Order dated September 20, 2000. The Supplemental Order further revised the cost for the work of constructing the connecting road. The new cost for the connecting road is estimated to be \$180,000, and increase of \$62,000 in Fund participation toward the project. The revised cost was paid 100% by the Grade Crossing Protection Fund.

On January 23, 2002, the County filed its Supplemental Petition with the Commission requesting the original Order and Supplemental Order be amended by requiring the closure of the TR 185 crossing after the completion of the connecting road between TR 185 and TR 36 and not after the installation of the automatic flashing light signals and gates at the TR 36 crossing, as required by the original and Supplemental Orders dated September 20, 2000, and December 5, 2001, respectively. The County states that in the interest of public safety and convenience, the TR 185 crossing should not be closed, abolished, or barricaded until after the completion of the connecting road between TR 185 and TR 36. On January 23, 2002, the NS filed its Response to the Supplemental Petition stating therein that it had no objection to the change as requested by the County in its Supplemental Petition dated January 23, 2002. Staff has reviewed the Supplemental Petition filed by the County and has no objections to the requested change.

The Commission, having given due consideration to the entire record herein, finds that:

- 1) the Commission has jurisdiction of the parties hereto and the subject matter hereof;
- 2) the recitals of fact set forth in the prefatory portion of this Supplemental Order are supported by the evidence of record and are hereby adopted as findings of fact;
- 3) the original and Supplemental Orders dated September 20, 2000, and December 5, 2001, respectively, should be amended by requiring the closure of the TR 185 crossing after the completion of the connecting road between TR 185 and TR 36;
- 4) all other terms and conditions of the original and Supplemental Orders dated September 20, 2000, and December 5, 2001, respectively, should remain in full force and effect except as herein modified.

IT IS THEREFORE ORDERED by the Illinois Commerce Commission that the original Order and Supplemental Order dated September 20, 2000, and December 5, 2001, respectively, should be amended, by requiring that the Township Road ("TR") 185 crossing shall not be closed, abolished, or barricaded until the connecting road between TR 185 and TR 36 is completed and open to vehicular traffic.

IT IS FURTHER ORDERED that all other terms and conditions of the original Order and Supplemental Order dated September 20, 2000, and

December 5, 2001, respectively, shall remain in full force and effect except as herein modified.

IT IS FURTHER ORDERED that subject to Sections 18c-2201 and 18c-2206 of the Law, this is a final decision of the Commission subject to Administrative Review Law.

By Order of the Commission this 27th day of February, 2002.

Richard L. Melia³

Chairman

<i>[Signature]</i> JUDGE
<i>[Signature]</i> SECTION CHIEF
<i>[Signature]</i> ORDERS SUPERVISOR